



U.S. Department of Justice

*United States Attorney
District of Hawaii*

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Honolulu, Hawaii 96850
May 19, 2004

By facsimile only

Eric Seitz, Esq.
820 Mililani Street
Suite 714
Honolulu, HI 96813

Re: USA v. Gary Rodrigues
Cr. No. 01-00078-01 DAE (USDC-Hawaii)

Dear Mr. Seitz:

Reference is made to your letter dated May 12, 2004, which contained the details of the proposal you made at the April 26, 2004, hearing before Chief Judge David A. Ezra, regarding garnishment of your client, Gary W. Rodrigues's, pension account.

I have discussed your proposal with our Financial Litigation Unit (FLU) and, in light of the Court's pronouncement at the December 19, 2003 hearing on Defendant Gary W. Rodrigues's Motion for Stay of Restitution, Fine and Penalty, that it did not want to stay the restitution, fine and penalty pending appeal, the Court's January 6, 2004 Order denying the motion to stay pending appeal, and the statutory mandates, we cannot agree to a money market account to be held separately by the bank because Mr. Rodrigues will continue to have sole control over that account.

Given the current briefing schedule before the Court of Appeals and my expectation that the appeals will be concluded in about 12-15 months, we will not object to the deposit of an amount of money (or certificate of deposit), sufficient to cover the restitution, fine and special assessment, with the Clerk of Court in an interest bearing account, pending completion of the appeal provided Judge Ezra approves the parties' stipulation.

EXHIBIT 5


Eric Seitz, Esq.
USA v. Gary Rodrigues
May 19, 2004
Page 2

Assuming the appeals are denied, the Clerk of Court is to immediately release the money (restitution payable to the UPW and the fine and assessments to the United States). Upon satisfaction of the judgment, our office will file a "Satisfaction of Judgment/Release of Notice of Lien".

Please advise.

Very truly yours,

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

By 
FLORENCE T. NAKAKUNI
Assistant U. S. Attorney

FTN:cka

cc: Doron Weinberg, Esq. (by fax)



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NUMBER OF PAGES (including cover sheet)

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DATE: 5/19/04

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TO: Eric Seitz, Esq. Fax: 545-3608
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FROM: FLORENCE T. NAKAKUNI, AUSA

SPECIAL INSTRUCTIONS:

USA v. Gary Wayne Rodrigues
Cr. No. 01-00078 DAE

2-page letter dated 5/19/04

* * * TRANSMISSION RESULT REPORT (MAY.19.2004 3:33PM) * * *

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